

ESTTA Tracking number: **ESTTA384537**

Filing date: **12/19/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197600
Party	Defendant Chuang, Alexander E
Correspondence Address	CHUANG, ALEXANDER E 4549 ALAMO ST UNIT B SIMI VALLEY, CA 93063-1795 alex@alexchuang.com
Submission	Answer
Filer's Name	Alexander Chuang
Filer's e-mail	alex@alexchuang.com
Signature	/Alexander Chuang/
Date	12/19/2010
Attachments	TRADEMARK.pdf (4 pages)(35815 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85022638

Mark: Coco Beach in Class 44

COCO BEACH DEVELOPMENT CORPORATION

Opposer

v.

Opposition No. 91197600

ALEXANDER CHUANG

Applicant

ANSWER TO OPPOSITION

Alexander Chuang, an individual residing in the State of California, residing at 4549 Alamo St. #B, Simi Valley, CA 93063, and doing business as Coco Beach Tanning Salon, LLC. ("Coco Beach Tanning", "Coco Beach Tanning Salon", or "Applicant"), a limited liability corporation organized under the laws of the State of California and doing business at 1720 E. Los Angeles Ave #1, Simi Valley, CA 93065, believes that issuance of a registration for Application Serial No. 85022638 would do no harm to the existing mark of "Opposer."

As grounds for its answer, Coco Beach Tanning Salon alleges the following:

1. Coco Beach Tanning is a tanning salon in the city of Simi Valley, California. Coco Beach Tanning has been engaged in business since at least August 1996.
2. Alexander Chuang, purchased Coco Beach Tanning in May 2010, and transaction included tanning salon location, tanning beds, goodwill, including the Coco Beach Tanning name.
3. As early as 1996, Coco Beach Tanning adopted COCO BEACH as its mark. Since then, Coco Beach Tanning has used the mark COCO BEACH continuously to market tanning services in and around the Simi Valley area in various forms of media.
4. The COCO BEACH mark has acquired enormous value in Simi Valley, and the areas surrounding Simi Valley, due to the popularity of the tanning salon, and has become

extremely well known, in the past 14 years, to the consumers in the area as the premier tanning salon to go to for ultraviolet and UV-free tanning sessions.

5. The COCO BEACH mark has been used extensively in the past for print advertisements and word of mouth for marketing efforts and as a result, the COCO BEACH mark has developed fame in the Simi Valley area and surrounding areas due to its use for more than 14 years.
6. On March 25, 2010, Applicant applied to register the COCO BEACH mark because escrow for a cash transaction was commenced for the Coco Beach Tanning purchase, and applicant wanted to secure the COCO BEACH mark for the purpose of using it in connection with the Coco Beach Tanning salon.

As a First Ground of Approval for Application Serial No. 85022638

7. Coco Beach Tanning Salon incorporated herein by reference the allegations set forth above in paragraphs 1-6.
8. The name COCO BEACH will in no way confuse or deceive customers into thinking Applicant's products and services are affiliated, associated, or connected with, or sponsored, approved or endorsed by Coco Beach Development, as the general public would not confuse a golf resort with a tanning salon.
9. Based on Opposers prior use of the COCO BEACH mark in commerce, Coco Beach Tanning has priority use in respect to the COCO BEACH mark. Proof may be found in the State of California's Ventura County Clerk's office. (Document No. 19960625103815030)
10. The denial of Applicant's mark would be inconsistent with Coco Beach Tanning's prior rights in that the denial would destroy Coco Beach Tanning's investment and goodwill in its mark.

As a Second Ground of Approval for Application Serial No. 85022638

11. Coco Beach Tanning incorporates herein by reference the allegations set forth above in paragraphs 1-10.
12. The services for which Applicant seeks registration of the COCO BEACH mark, to wit, tanning salons, are unlike any services that of Coco Beach Development's. Coco Beach Development's registered mark is registered in Class 41 (country clubs, entertainment in the

- nature of golf tournaments; golf club services; golf courses; golf instruction; providing golf facilities.) under Goods/Services provided. In no way does Coco Beach Tanning provide any of these services, or can ever provide these services, and does not ever wish to provide these services.
13. Coco Beach Tanning's services are insufficiently related to Opposer's services. Applicant provides ultraviolet tanning and ultraviolet-free tanning by means of ultraviolet sunbed, ultraviolet sunbooth, and ultraviolet-free spray booth rentals. There is no justifiable reason why a person of the general public to confuse ultraviolet tanning and ultraviolet-free tanning services, with a vacation resort.
14. Coco Beach Development's and Applicants respective services do not relate to the same activities. Coco Beach Development's activities are related to leisure and recreation; however, Coco Beach Tanning's activities are related to beauty, vanity, and medical purposes. Indoor tanning customers, tan because they either feel more attractive to others if their skin color were darker in nature, or tan because a dermatologist suggested that the ultraviolet rays the sunbeds emit will provide relief from certain skin conditions.
15. It is very unlikely that some customers confronted with an indoor tanning salon bearing the COCO BEACH mark will be confused into thinking there is a same source of origin, affiliation, connection, or sponsorship between the well-known Coco Beach Tanning Salon and Coco Beach Development's resort, golf courses, club house, beach club, and residences. The main business of Coco Beach Development is of leisure activities. It is very hard to fathom that anyone from the general public would confuse the two separate identities.
16. For these reasons, Application Serial No. 85022638 should be granted as it is extremely unlikely to cause confusion with the consuming public.

As a Second Ground of Approval for Application Serial No. 85022638

17. Coco Beach Tanning incorporates herein by reference the allegations set forth above in paragraphs 1-16.

18. Because Coco Beach Tanning's first use of the COCO BEACH mark was two years prior to Opposer's first use, the registration would not dilute the distinctiveness of Coco Beach Development's mark as the two businesses are engaged in completely separate primary businesses. Consequently, the present Application should be approved.

Wherefore, Alexander Chuang, Coco Beach Tanning, and Coco Beach Tanning Salon, LLC requests this Answer to Opposition be accepted and Application Serial No. 85022638 be granted a registration.

I hereby certify that this Answer to Opposition is being transmitted via the Electronic System for Trademark Trials and Appeals (ESTTA) on the PTOnet to the United States Patent and Trademark Office on the date shown below.

Dated: December 19, 2010

Respectfully submitted,

Alexander Chuang

Applicant
4549 Alamo St. #B
Simi Valley, CA 93063
Tel. (805)304-1286
Email: alex@alexchuang.com